IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN AT JODHPUR

::::

O R D E R

Smt. Roopa Pal
Vs.
The State of Rajasthan & Ors.

S.B. CIVIL WRIT PETITION NO.5099/2003
UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 18th September, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Harish Purohit, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Govt. Advocate.

BY THE COURT

The petitioner has filed the present writ petition with the prayer that the respondents be directed to allow 15 bonus marks to the petitioner for participating in 43rd Senior National Kabbadi Tournament and accordingly determine her merit for appointment on the post of Physical Instructor Gr.III in the selection process initiated pursuant to the advertisement dated

28th July, 2003.

The case of the petitioner is that she represented the State of Rajasthan in 43rd Senior National Kabbadi Championship held at Karnool (A.P.) which was organized by All India Kabbadi Federation. A certificate was issued by the Organizer of the said Championship, copy of which has been produced as Annexure-2. This certificate bears the signature of President of All India Kabbadi Federation beside the signature of the Organizer of the Tournaments. This was a prestigious National Tournament. The petitioner also participated in 08th Mini National School Games organized by the Directorate of Youth Service and Cultural Activities, Gandhi Nagar (Gujrat), copy of this certificate is also annexed with the petition. The petitioner also participated in State Level Women Sports 1993-94 organized by the Rajasthan State Sports Council, Jaipur, copy of the certificate has also been placed on record. According to the petitioner, the State of Rajasthan in its Education Department has issued a circular No.P5(15) Education-2/99 dated 10th March, 2000 which provides for awarding bonus marks to all those sports persons who participated in State, National and International Tournaments for appointment on the post of Physical Instructor, Gr.II and Teacher Gr.III.

The respondents have contested the writ petition and filed reply and submitted that the bonus marks are awarded in support of tournaments which are conducted by the Director/Dy. Director, Education or University sports Board of School Games Federation of India. No bonus marks are awarded in respect of any open competition. Moreover, the certificates produced by the petitioner are not counter-signed by the Secretary and President of the Rajasthan State Sports Council as required by notification dated 10th March, 2000. It is therefore prayed tht the writ petition be dismissed.

I have heard learned counsel for the parties and perused the records.

Learned counsel for the petitioner has relied upon a judgment of this Court in Satyaveer Singh vs. State of Rajasthan & Ors., reported in 2006 (5) RDD 2507 (Raj.) and on that basis has argued that the respondents be directed to consider the case of the petitioner for appointment by adding requisite bonus marks and accordingly determine her merit and if found suitable appoint her on such post. This judgment was based on earlier three judgments on the same subject matter in Madhu Sudan Joshi Vs. State, 2005 (2) RLR 271, Dara Singh vs. State, 2005 WLC (UC) 426 and Manju Budania, 2006 (1) WLC 471.

The objection of the respondents that bonus marks could have been allowed only if the certificates are counter signed by President or Secretary of Rajasthan State Sports Council cannot be accepted in the light of the provisions contained in their own Circular dated 10th March, 2000. What is required is that the candidates must have participated in either the State level or the National level tournament or even the International level tournament. When the petitioner was member of Kabbadi team nominated by the Rajasthan State Kabbadi Federation and participated in the 43rd Senior National Kabbadi Championship held at Karnool (A.P.) which was organized by All India Kabbadi Federation, the kind of objection taken by the respondents cannot be approved of and deserves to be rejected outrightly. On the question of counter signature, it may be stated that when the certificate issued to the petitioner for National and International tournament are duly signed by the office bearers of National Kabbadi Federation, the petitioner cannot be denied benefit of bonus marks just because the counter signatures of the President and Secretary of the Rajasthan State Sports Council were not contained thereupon.

This Court in the case of Satayveer Singh (supra) while relying on a earlier decision on the same subject matter in Madhu Sudan Joshi vs. State reported in 2005 (2) RLR 271 has

held that the benefit of bonus marks and consequent appointment cannot be with held only on the pretext of the certificate having not been counter signed.

In the result, the writ petition is allowed and the respondents are directed to consider the case of the petitioner for appointment granting her the benefit of bonus marks on the basis of both National and State sports certificates and consequentially if she is found to have secured a place in the merit, appoint her on the post of Physical Instructor Gr.IIi with effect from the date on which the candidate immediately below her in such merit was so appointed. The respondents shall be at liberty to get the certificate counter signed from the Secretary and the President of the Rajasthan State Sports Council. There shall be no order as to costs.

[MOHAMMAD RAFIQ],J.

Ashwini/-